

rants which are legal investments for savings banks in the State of California. (Code 1961, § 22.7.1; Ord. No. 505, § 1, 2-26-73)

Secs. 21-27—21-37. Reserved.

ARTICLE III. SPECIAL CHARGE FOR CONNECTING TO SEWERS CONSTRUCTED UNDER SPECIAL ASSESSMENTS

Sec. 21-38. Purpose.

The purpose of this article is to establish conditions of equality between properties which have been assessed in a special assessment proceeding created for the purpose of constructing sewer mains and facilities and properties which have not been so assessed, by which by necessity must connect to such sewer mains and facilities. (Code 1961, § 22.4)

Sec. 21-39. Assessment and payment prerequisite to connecting.

It shall be unlawful for any person to connect, or cause to be connected, to any sewer main or facilities constructed by virtue of a special assessment proceeding within the city any property which has not been assessed in such proceeding until a connection charge in an amount computed in the manner provided by this article has been paid to the city for the privilege of so connecting to such sewer main or facility. (Code 1961, § 22.5)

Sec. 21-40. Computation of charge.

The connection charge provided for by this article shall be computed by the city engineer based upon what the share of the cost of the sewer main and facilities of the connecting property would have been had it been assessed in such district using the same formula for making the assessments as was actually used in such district. (Code 1961, § 22.6)

Sec. 21-41. Reimbursement agreements with persons who constructed and paid for mains and facilities.

With respect to sewer mains and facilities which are constructed, installed and paid for by private persons, which mains and facilities are sufficient to serve properties of persons other than those so constructing and installing the same, the city is hereby authorized to enter into reimbursement agreements with the persons so constructing and installing such mains and facilities under which the city, in consideration of the conveyance of such mains and facilities to the city, shall make a connection charge of all other persons connecting to such mains and facilities and pay same over to the persons so constructing and installing same. The amount of the charge under this section shall be computed by the city engineer based upon what would be the fair and equitable share of the cost of such improvements of the other persons so connecting to such mains and facilities. (Code 1961, § 22.6.1)

Sec. 21-42. Compliance prerequisite to issuance of connection permit.

No permit shall be issued to connect to any sewer main or facility until the provisions of this article have been fully complied with. (Code 1961, § 22.7)

Secs. 21-43—21-53. Reserved.

ARTICLE IV. SERVICE CHARGES

Sec. 21-54. Authority.

This article is adopted pursuant to Article 7, Chapter 5, Part 3, Division 5 of the Health and Safety Code and pursuant to Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code. (Code 1961, § 22.9)

Sec. 21-54.1. Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section;

Clerk shall mean city clerk.

Entity means the city.

Fixture shall mean any sink, tub, shower, water closet or other facility connected by a drain to the sewer.

Legislative body shall mean the city council.

Living unit shall mean any residence, apartment house, habitation or other structure customarily occupied by a single person or family requiring sewer disposal services.

Outlet means any part of a sewer system to which a fixture may be connected.

Report means the report referred to in section 5473 of the Health and Safety Code of the state.

Sewer service charges means fees, tolls, rates, rentals or other charges for services and facilities furnished by the city in connection with its sanitation or sewerage system. (Code 1961, § 22.8)

Sec. 21-55. Applicability.

This article shall apply to sewer facilities constructed or to be constructed in the city and additions, extensions and improvements thereto. (Code 1961, § 22.10)

Sec. 21-56. Billing period.

The regular billing period will be each calendar month, or bimonthly, as determined by the city council. Schools and other public institutions shall pay semiannually on bills rendered on the first days of January and July of each year for the next preceding semiannual period. (Code 1961, § 22.11)

Sec. 21-57. Opening and closing bills for less than normal billing period.

Opening and closing bills for less than the normal billing period shall be for not less than one month. (Code 1961, § 22.12)

Sec. 21-58. When bills rendered and payable.

Bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation. (Code 1961, § 22.13)

Sec. 21-59. Penalty for delinquencies.

If the rate is not paid when due, on the first day of each calendar month thereafter a penalty of ten (10) per cent of the amount of the delinquent rate shall be added and become due. (Code 1961, § 22.14)

Sec. 21-60. Collection by suit authorized.

As an alternative to any of the other procedures herein provided, the city may bring an action against the person who occupied the premises when the service was rendered for the collection of the amount of the delinquent rate and all penalties and costs of collection including a reasonable attorney's fee. (Code 1961, § 22.15)

Sec. 21-61. Collection of delinquencies by placing on tax roll.

The city may provide for the collection of all the delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll upon which city taxes are collected and in the same manner provided by law therefor. (Code 1961, § 22.16)

Sec. 21-62. Statement of charges to be filed; posting on tax roll.

The person or his deputy who bills and collects the charges shall sign a statement of the amount of the charges and the penalties which have accrued and which shall accrue thereon to the next succeeding April Twentieth, and shall file it with the officer whose duty it is to post the tax roll, and he shall post the amounts thereof in the column on the roll where improvement assessments are posted and opposite the property affected. (Code 1961, § 22.17)

Sec. 21-63. Collection as general taxes.

The amounts so posted shall be payable at the same times and in the same amounts and manner and be subject to the same penalties and charges for delinquency, and the same provisions for redemption and sale for non-payment as are provided for general taxes of the city. (Code 1961, § 22.18)

Sec. 21-64. Authority to collect other utility charges with sewer charges.

The city council may provide for the collection of sewer charges with other utility charges as herein provided. (Code 1961, § 22.19)

Sec. 21-65. Collection of other utility charges on same bill.

Where the person charged is a user of another utility owned and operated by the

city, the charges shall be collected together with and not separately from the charges for the then utility service rendered by it. They shall be billed upon the same bill and collected as one item. (Code 1961, § 22.20)

Sec. 21-66. Discontinuance of other service upon sewer delinquency.

Upon delinquency, the other utility service shall be discontinued until full payment of the dual charges and penalties thereon and the charges for recontinuance of service. (Code 1961, § 22.21)

Sec. 21-67. Time for discontinuance of other service.

The time for the discontinuance of such other service shall not exceed forty-five (45) days from the date the sewer charges are provided to become delinquent. (Code 1961, § 22.22)

Sec. 21-68. Where person charged is user of another utility operated by city.

Where the person charged is the user of another utility owned or operated by a department or agency of the city, and over which the city council exercises control, the charges shall be collected with the charges for the other utility services and the provisions of sections 21-65 to 21-67 shall apply. (Code 1961, § 22.23)

Sec. 21-69. Where person charged is not user of other city utility service.

Where the other utility service is furnished by a department or agency of the city over which the city council does not exercise control, or where the city or department or agency thereof does not own or operate another utility, and the person charged is a user of a publicly or privately owned utility, the city council may provide by contract for such department, agency or utility to collect such charges and upon terms and conditions which as nearly as may be obtained shall conform with sections 21-65 to 21-67. The city council may provide in such contract the compensation for making such collection. (Code 1961, § 22.24)

Sec. 21-70. Collection on county tax roll—Procedure established by state law.

Unless the council otherwise directs, successive annual sewer charges, and delinquent sewer service charges not previously so posted, shall be collected on the county tax roll as provided in Article 4, Chapter 6, Part 3, Division 5, of the state Health and Safety Code. (Code 1961, § 22.25)

Sec. 21-71. Same—Report.

A written report shall be prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this article. (Code 1961, § 22.26)

Sec. 21-72. Same—Publication in newspaper of time and place of hearing.

The clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two (2) successive weeks prior to the date set for hearing, in the Belmont Courier. (Code 1961, § 22.27)

Sec. 21-73. Same—Mailing of notice of hearing, etc.

Prior to such election for the first time, the clerk shall cause a notice in writing of the filing of the first report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon to be mailed to each person to whom any part or parcel of real property described in the report is assessed in the last equalized assessment roll on which general city taxes are collected, at the address shown on such roll or as known to the clerk. (Code 1961, § 22.28)

Sec. 21-74. Same—When notice in writing not required.

If the city council adopts the report, then the requirements for notice in writing shall not apply to hearings on reports prepared in

subsequent years but notice by publication as herein provided shall be adequate. (Code 1961, § 22.29)

Sec. 21-75. Same—Hearing by city council.

At the time of the hearing, the city council shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. (Code 1961, § 22.30)

Sec. 21-76. Same—Protest by majority of property owners.

If the city council finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land. (Code 1961, § 22.31)

Sec. 21-77. Same—Final determination.

Upon the conclusion of the hearing on the report, the city council may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final. (Code 1961, § 22.32)

Sec. 21-78. Same—Report to auditor; entry of amounts on assessment roll.

On or before the tenth day of August in each year following such final determination of the city council, the clerk shall file with the auditor having charge of the tax roll a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the city council of the city, and the auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. (Code 1961, § 22.33)

Sec. 21-79. Same—Parcels outside boundary of city.

Where any parcels are outside the boundaries of the city they shall be added to the

assessment roll of the city for the purpose of collecting the charges mentioned in section 21-78. (Code 1961, § 22.34)

Sec. 21-80. Same—Parcels not on roll.

If the property is not described on the roll, the auditor may enter the description thereon together with the amounts of the charges herein, as shown on the report. (Code 1961, § 22.35)

Sec. 21-81. Same—Amount of charges to be lien; tax collector to include charges in bill for taxes.

The amount of the charges herein shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. (Code 1961, § 22.36)

Sec. 21-82. Same—Collection of charges.

Thereafter, the amount of the charges herein shall be collected at the same time and in the same manner and by the same persons as, and together with and not separately from, the general taxes for the city, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency. (Code 1961, § 22.37)

Sec. 21-83. Same—Applicability of laws relating to levy, collection, etc., of taxes.

All laws applicable to the levy, collection and enforcement of general taxes of the city, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to the charges herein. (Code 1961, § 22.38)

Sec. 21-84. Same—Tax collector may issue separate bills.

The tax collector may, in his discretion, issue separate bills for the charges herein and separate receipts for collection on account of such charges. (Code 1961, § 22.39)

Sec. 21-85. Same—Compensation of county.

The county shall be compensated for services rendered in connection with the levy, collection and enforcement of the charges herein for the city, in an amount to be fixed by agreement between the board of supervisors and the city council of the city. The compensation shall not exceed one per cent of all money collected. The compensation shall be paid into the salary fund.
(Code 1961, § 22.40)

Sec. 21-86. Same—Use of revenues.

Revenues derived under this article shall be used only for the acquisition, construction or reconstruction, maintenance and operation of sanitation or sewerage facilities of the city and to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities and to repay federal, state, county or other loans or advances made to the city for the construction or reconstruction of sanitary or sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.
(Code 1961, § 22.41)

Sec. 21-87. Disconnection upon delinquency.

Premises as to which charges under this article have become delinquent shall be disconnected. The person in charge of the sewer system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. The amount of the cost of disconnection and reconnection over the deposit shall constitute a charge and be collected as such. The amount of the deposit not used shall be repaid or applied as a deposit.
(Code 1961, § 22-43)

Sec. 21-88. Procedures declared alternative.

The procedures provided in sections 21-56 to 21-86 are alternative to each other. The separate procedures under sections 21-56 to 21-69 are alternate to each other.
(Code 1961, § 22.45)

Sec. 21-89. Provisions declared cumulative.

The procedures provided in sections 21-56 to 21-86 are cumulative with each other. More than one or all thereof may be utilized at the same time as to the same charges.
(Code 1961, § 22.46)

Sec. 21-90. Provisions supplemented to each other.

The procedures provided in sections 21-56 to 21-86 are supplemental to each other.
(Code 1961, § 22.47)

Sec. 21-91. Provisions nonexclusive.

The procedures provided in this article are not exclusive. Notwithstanding any provisions herein, the city may utilize any procedures provided in any law or which are a legal incident to its powers, and any remedy in laws or in equity, to collect the charges and penalties.
(Code 1961, § 22.48)

Sec. 21-92. Purpose of article.

It is the intention of this article that there shall be available to the city all procedures, that they shall be diligently exercised and that all charges and the penalties thereon or other charges incident thereto shall be promptly and effectively collected.
(Code 1961, § 22.49)

Sec. 21-93. Schedule of charges.

Sewer service charges shall be as follows:

<i>Residential</i>	
including but not limited to:	
Single-family dwelling, duplex and multiple-family dwelling, apartments and flats	\$245.40 annually 20.45

Retail commercial

including but not limited to:

Motels and hotels, commercial houses, office buildings, car washes and laundromats, restaurant (foods prepared off premises), food markets (with grinders) usage	2.38 per 100 cubic feet of water usage
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Restaurants

	3.32 per 100 cubic feet of water usage
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Supermarkets (with grinders)

	3.32 per 100 cubic feet of water usage
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Institutional/public authorities

including but not limited to:

Nursing homes, retirement homes, sanitariums, government institutions, schools	2.30 per 100 cubic feet of water usage
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Industrial

Including, but not limited: Printed circuitry	1.94 per 100 cubic feet of water usage
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Water usage shall be defined as the average metered water usage during the months of December, January and February provided that the monthly charge of each dwelling or housing unit in the area of the City of Belmont from which sewage is discharged into the systems of San

Mateo shall be at the rate charged by said City of San Mateo, payable to the City of Belmont for transmission to the City of San Mateo.

(Code 1961, § 22.50; Ord. No. 484, § 1, 5-22-72; Ord. No. 510, § 1, 5-14-73; Ord. No. 535, § 1, 4-22-74; Ord. No. 575, § 1, 6-22-76; Ord. No. 701, § 1, 6-9-82; Ord. No. 801, § 1, 7-26-86; Ord. No. 827, § 1, 7-10-90; Ord. No. 873, § 1, 7-13-93; Ord. No. 884, § 2, 7-12-94; Ord. No. 907, § 1 7-9-96; Ord. No. 917, § 1, 6-24-97)

Secs. 21-94—21-104. Reserved.

ARTICLE V. USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 21-105. Purpose.

The purpose of this article is to establish standards and conditions, and to provide for